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H – 951

International Court of Justice

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

3:30

COMMISSIONER:

Mr. George R. Taylor

H0951-0002

CORPS OF POLITICAL LEADERS

ANTON SCHUELLER, a witness, took the stand and testified as follows:

BY MR. TAYLOR:

Q. Will the witness stand. What is your name?

A. Schueller Anton?

Q. Will you repeat after me:

I swear by God, the Almighty and Omniscient, that I will speak the whole truth and will withhold and hide nothing.

(The witness repeats the oath.)

BY DR. LINK:

Q. I wish to prove by the witness, Schueller, who was a Kreisamtsleiter of the People's Welfare Association. I want to prove first that the NSV Kreis of the Hoheitstraeger did not have any political functions, but rather, secondly, that they were destined to be, and actually were, expert advisors on the staff of the Kreisleiter and that their function and their activity was identical in the staff of the Kreisleiter with the director of the NSV Welfare Association, not only in the staff of the Kreisleiter, but in the staff of any Hoheitstraeger. And that the carrying out of those functions was done without discrimination on racial, political, or any other lines.

BY MR. TAYLOR: Proceed with the witness, Dr. Link.

Q. When were you born?

A. I was born February 16, 18 82, at Metz.

Q. When did you join the Nazi party or any of its organizations?

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A. I joined the Nazi party on June 1, 1930. In 1933 I became a member of the NSV People's Welfare Association; and after the seizure of power , I became a member of the DAF, the German Workers' Order. I did not belong to any other organization.

BY COLONEL GRIFFITH-JONES: When did you become a member of the DAF?

WITNESS: Either 1933 or 1934--after the seizure of power.

BY DR. LINK:

Q. Why did you become a member of the Nazi party?

A. Up to then I had been entirely uninterested in politics, and I never found myself in poor economic circumstances. I only observed the distress in which the German people found themselves at that time, and the inability of the parliamentary parties and governments to cope with that situation; and I was determined to join the party which promised to eliminate that situation.

Q. Therefore it would be fair to say that you did not join the Party by compulsion or the influence of other third parties?

A. No, I wasn't influenced by anybody, and it was my free decision to join the Party.

Q. When did you become a co-worker of the NSV?

A. On August 5, 1938.

Q. Were you on the staff of the NSV until the breakdown of the Nazi Party?

A. For approximately 1½ or 1½ years I was suspended upon my own application, but, with the exception of the one interruption, I belonged to the NSV co-workers from 1938 until then.

Q. It is correct that you were a member of the Party since 1930, and

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only eight years later you became a co-worker of the ~~x~~ NSV welfare organization? How did ~~xx~~ that come about? Did you fill any other kind of function or office in the Nazi Party from 1930 to 1938?

A. No. I didn't fill any position at that time, and only the social recovery which started in 1933 made me/~~fixx~~ feel a need to take a hand in the NSV organization in 1938. By joining the NSV, I didn't have any intention of gaining any financial advantage. Actually, when I did so in 1938, I was holding a leading position in industry, and by taking that position with the NSV, I had an immediate loss of income amounting to 3,000 marks annually--not including other losses which were connected. I am stressing this point because I want to make it quite clear that it was sheer idealism which prompted me to join the NSV.

Q. Where and in what capacity were you active for the NSV?

A. I held the following offices: From August 3, 1938 until May 22, 1940 I was active in the NSV in Kreis Daun-Wittlich, which is the Mosel District. From May 5, 1940 until September 30, 1941, I was in Neuwied, which is the Rhineland; and from January 1, 1943 until August 30, 1944 in Grevemacher in Luxembourg. From the first to the 27th of September, 1944, I had a special mission to evacuate the population from the West Wall districts; and then from October 1st until April, 1945, I had a special mission of the plenipotentiary of the Gau Mosselland for the care of fugitives from Mosel. In all three districts I was a kreisamtsleiter of the NSV.

Q. I conclude from your reply that you were a Kreisamtsleiter of the NSV in three different Kreises. Will you be in a position to state that what you are going to tell us in regard to those three Kreises would be equally true of ~~xxxxxxxxx~~ conditions in other Kreises?

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A. Yes, as far as my remarks are essential to the work of the NSV, I believe I would be in a position to speak with some authority even in regard to other Kreises, because I often discussed this matter with friends from other Kreises.

Q. Can you tell us when and how the NSV was founded?

A. The NSV was organized in 1933 as a registered association, a legal form which it maintained until the very end.

Q. What is the meaning of that legal form, "registered association"?

A. That would mean that those people who worked in the framework of the NSV were exclusively employees of the NSV and not employees of the Nazi Party. The employment was performed on the basis of a private service contract which clearly stated that the basis of employment was the German Civil ~~Court~~ Code, the BGB. The employment was carried on essentially on a provisional basis. That means that most of my assistants were, in one way or another, trained social workers or people in public welfare, and they were responsible to me as Kreisleiter of the NSV.

Q. You were the director of that office?

A. Yes. I was the head of the Kreiswaltung Office. It is the office of the NSV on the kreis level.

Q. Those Kreiswaltung Offices were the offices of the NSV?

A. Yes.

Q. Then how did it come that you, as an NSV official, were attached to the staff of the Kreisleiter, and not the Party?

A. The reason is that the Kreisleiter, as the Gauleiter, was identified with the Kreisamtsleiter and on the staff of the Kreisleiter.

Q. Would it, therefore, be correct to talk about two different offices of the NSV?

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A. No. That would be entirely incorrect. There was actually only one office. That was the office of Kreisleiter or Gauleiter of the NSV. And the man who ~~xxx~~ held that office was co-ordinated to the Kreisleiter as a professional expert. And as such an expert, I belonged to the Kreisamtsleiter as the extended staff of the Kreisleiter.

Q. And how was the structure of the organization of the Kreisamtsleiter of the NSV? Did it have its own staff?

A. That Kreisamtsleiter of the NSV, with the staff of the Kreisleiter, did not have an ~~opportunity~~ office or staff or organization of its own. ~~Ixxixxxxxx~~ Its only sign of existence was that one man who was holding that office.

Q. You mentioned in a previous answer that you belonged to the Erweiterter--the enlarged staff of the Kreisleiter. What do you mean by that staff?

A. To that enlarged staff, Erweiterter, belonged those experts who did not have any task and function of political leadership, as, for instance, the political leaders, the training leaders, the staff leaders would have. The enlarged staff consisted only of those who were on the staff of the Kreisleiter as professional advisors.

(A recess was taken)

BY - MR. TAYLOR: Proceed, Dr. Link.

Q. As expert adviser to the Kreisamtsleiter, you were also subordinated to the authority of the Kreisamtsleiter?

A. Yes, but only on disciplinary matters. All the matters pertaining to the professional carrying-out of my duties, I received exclusively from the NSV authorities, the Gauleitung Offices.

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Q. Therefore it would be fair to say that all instructions pertaining to your work, both as Kreisleiter of the NSV and as Kreisamtsleiter of the extended staff, emanated from the NSV?

A. Yes.

Q. Were you required to attend the regularly scheduled conferences of the ~~Kreisleiter~~ Kreisleiter?

A. One must distinguish between the regular staff conferences the Kreisleiter held with his inner staff, and the regularly scheduled conferences held with his enlarged staff--which he held every month. I attended only the latter.

Q. You distinguish between conferences of the inner circle and general meetings. Were the general meetings attended also by SA leaders, mayors, and other functionaries?

A. Yes.

Q. And what was the subject of discussion at those general meetings?

A. General questions of interest to the ~~Kreis~~ Kreis.

Q. Were those conversations secret?

A. No, never. The representatives of the press even attended those conferences, and reports of the essential discussions and happenings at those conferences occurred in the press the next day.

Q. Did you receive the publication, the "Hoheitstraeger"?

A. No.

Q. Did you have the duty to report more or less frequently to the Kreisleiter as to the fulfillment of your duties?

A. In the beginning we were expected to give a monthly report. Later there were reports submitted less regularly, and, at the end, there were none at all anymore and it happened that I didn't see the Kreisleiter for four

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or six weeks. Only near the end, when the NSV was used in emergency service for the population suffering from the effects of the war, then we were called to more frequent conversations with the Kreisleiter.

Q. On the basis of what you have told us of your work and function as Kreisamtsleiter on the staff of the Kreisleiter, I am a little puzzled as to why you should have been called a Political Leader.

A. In the strict sense of the word, I never had the feeling really to be a political leader. I felt that we had the title because we were attached to the staff of the Kreisleiter, but we didn't feel that we fulfilled a political function.

Q. On the one hand you say that you were subordinated in matters of discipline to the Kreisleiter, and in other matters you received your instructions from the NSV. Wasn't that a source of conflict between the Kreisleiter and the NSV?

A. Yes. That happened quite frequently, particularly when the Kreiswalter of the NSV was not in position to fulfill orders and requests from the Kreisleiter because the Kreisleiter's orders contradicted the professional orders which I had received from the NSV. Such an instance in the year 1941 caused me to request my suspension for 1½ years, and only in 1943 I was called back to work.

CORRECTION: Such conferences apparently occurred when the Kreisleiter of the NSV was not willing to follow the orders of the Kreisleiter of the Party. The Kreisleiter of the NSV, in his position of Kreisamtsleiter, was not in a position to follow the orders of the Kreisamtsleiter.

Q. If the Kreisleiter, who filled also the function of the Kreisamtsleiter on the staff of the Kreisamtsletier, when he had to take

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his orders from the NSV, he could not leave out of consideration the political judgment which would be passed upon him?

A. He was obliged not to take into consideration the so-called political judgment because it was strictly forbidden for professional experts to mix in such matters.

Q/ I do not wish to enter into the function of the NSV because it is well-known what the NSV did and, secondly, because the NSV is not entered upon the indictment. But if you are saying that the Kreisamts-leiter, which means a man on the staff of the Kreisleiter, which fills only political functions, than I am prepared to ask a few questions concerning that. Didn't there exist certain instructions on the basis of which your giving away was regulated by political, racial, or religious considerations?

A. There was issued a strict instruction that all measures of care and relief should be given without any consideration as to political or religious differences. All measures and institutions of the NSV were supposed to be available to all Germans, regardless of their formal beliefs, except those elements which were considered anti-social.

Q. And what part did racial considerations play?

A. Initially, the offspring of mixed marriages and, particularly, Jewish war veterans and their families were cared for by the "winterhilf" workers; but later the NSV created for the Jews a special institution.

Q. Was there anything contained in your regulations in regard to the exclusion of foreigners from your relief program?

A. Yes, there was a regulation in our instructions, and that said that all foreigners should be cared for by the NSV; and that covered even members of nations with which we were at war later on. Even in the large-scale

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relief program practiced after air attacks, the foreigners were equally included. Equally, the PW's and the foreign laborers who were used in salvaging after air attacks received exactly the same assistance as any German employed in that same work.

Q. What about the families of those who were arrested for political or other reasons?

A. Whenever such an arrest was performed, the authority in charge, mostly the Kreisleiter, sent a short notice to the Kreiswaltung of the NSV informing him that such a person had been arrested, so that immediately his family would be included in the comprehensive program of relief.

Q. You just stated that the Kreisamtsleiter was informed of every case of arrest. That would mean that you should have a particularly good knowledge of the numbers of arrests, particularly in regard to concentration camps.

A. No. There was a very brief notice which simply said, "Mr. So-and-so is arrested", and so to take care of his family. There was no reason given for his arrest, whether for criminal or political reasons. I personally was informed only of three concentration camps, and I didn't know anything about how things were there.

Q. Wasn't there a conflict between the office of the NSV and institutions of the churches? Were any welfare xxxx institutions of the churches dissolved or frustrated when the NSV was created?

A. No. That never happened, and I can remember/xxxx xx my own experience that welfare offices of the church, for instance, received large quantities of potatoes through the NSV.

Q. Were there any difficulties between the NSV and the ministers of the church, for instance in regard to how the NSV was carrying out its program?

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A. No. There did exist an instruction that prohibited NSV officials from any independent measures against churches or church officials. Wherever I had possibilities to get in contact with ministers of the church, we established free relations and coordinated our work. And a considerable number of ministers of both faiths did belong as members to the NSV, and a smaller number were even workers in the NSV. I remember an instance in which there was under consideration the transfer of a kindergarten from a church to the NSV. When the proposal of the transfer of that denominational kindergarten was rejected, it had the effect that the Kreisleiter of the Party actually opposed the transfer, since he was a member of the board of the church.

Q. It is known that the NSV furnished people with gas masks. Was that a part of the social welfare program of the NSV?

A. Definitely. Because that was considered a protective measure. But, besides that, it was most practical that the NSV should carry out that program because the obtaining of the people's gas masks was not in accordance with any legal obligation, but a voluntary matter. And you obtained them in accordance with your personal means. Sometimes no charge was made, depending upon the circumstances. In that respect, nobody knew circumstances as well as the NSV, who knew the conditions in which the people found themselves.

Q. It has been claimed that means of the NSV have been used for armament and the carrying on of the war. What do you know about that?

A. In regard to that, I have to declare that the auditing system and the control system in the NSV was so strict that, at least on the kreis and gau level, I consider it entirely impossible that means of the NSV could be used for any such militaristic purpose. In regard to the

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kreises with which I was connected, with the exception of one, ~~xxxxxxxxx~~ they were called "deficit" kreises. They had to raise allowances in order to balance the budget. There is a regulation compelling the NSV not to transfer any funds to any other organization.

Q. You mean that there didn't exist a regulation to ~~xxx~~ send funds to any other organization for social welfare measures?

A. The only office to which I sent funds at all was the higher NSV office.

Q. You just mentioned that the auditing and control system of the NSV was particularly strict. Could you give us an example in that respect?

A. It is not so easy to give an example immediately, but I do recall that, both in regard to income and expenditure, a numbered receipt had to be issued. For instance, if a friend wished to donate 50 marks to the Winterhilfswerk Organization, I would have to ask him to bring it to the office next day so that I could issue a receipt.

~~Qxxx Mxxx Gxxxxxxxxxx~~,

DR. LINK: Mr. Commissioner, I have reached the end of my questions; but, considering the difficult subject on which we have dwelt, I ~~xxxxxxx~~ ~~xxx~~ propose to ask ~~x~~ one summary question.

Q. If I understood you correctly, you were saying: First, that the NSV was a welfare institution originated and initiated by the NSV; second, an association which carried on its social welfare without giving ~~xxxxxxxx~~ ~~xxxxx~~ consideration to political, religious or any other differences, and which provided that care equally to all ~~xxxx~~ of those who lived in Germany. Is that correct? The organizations of the NSV on all levels worked as independent ~~xx~~ professional groups and provided care independently. Is that right?

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A. Yes.

Q. The connection which existed between the NSV and the Nazi Party was that the office holders of the NSV were the expert advisors on the same level to the NSDAP ~~Hoheitskraeger~~ Hoheitstraeger?

A. Yes.

Q. But isn't it also true that those so-called offices of the Kreisleiter did not have any functions of political leadership ~~xx~~ but that they were rather subordinated exclusively to the special instructions given to them by the NSV headquarters, and that they, therefore, in some instances, were in conflict with the Party Hoheitstraeger? Is that correct?

A. Yes.

Q. And that, finally, the NSV representatives on the staffs of the Hoheitstraeger, when they were called political leaders, it would be unfair to those people who filled merely professional duties, to put them on a level with those Hoheitstraeger who filled political functions? Is that true?

A. Yes, that always was my opinion;

MR. TAYLOR: Gentlemen, I assume that you want to adjourn at five o'clock. It is now three minutes to five.

(The court adjourned until June 17th at 10 a.m.)

Com. B
Take & 4 ~~xxRaga~~

H0951-0014

The foregoing is a true and correct transcript of the testimony of ANTON SCHUELLER taken on & 14 June, 1946.

Dorothy J. Hall
Reporter 1-13

Reporter

Reporter

Reporter

CERTIFIED TO:

Geo Taylor
Commissioner

H0951-0015

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

14 June 1946.

COMMISSIONER:

Mr. George Taylor

CORPS OF POLITICAL LEADERS

ANTON SCHUELLER, a witness, took the stand and testified as follows:

BY MR. TAYLOR:

Q. Will the witness stand. What is your name?

A. Anton Schueller.

Q. Will you repeat after me:

I swear by God, the Almighty and Omniscient, that I will speak the whole truth and will withhold and hide nothing.

(The witness repeats the oath.)

BY DR. LINK:

Q. I wish to prove by the witness, Schueller, who was a Kreisamtsleiter of the People's Welfare Association. I want to prove first that the NSV Kreis of the Hoheitstraeger did not have nay political functions, but rather, secondly, that they were destined to be, and actually were, expert advisors on the staff of the Kreisleiter and that their function and their activity was identical in the staff of the Kreisleiter with the director of the NSV Welfare Association, not only in the staff of the Kreisleiter, but in the staff of any Hoheitstraeger. And that the carrying out of those functions was done without discrimination on racial, political, or any other lines.

BY MR. TAYLOR: Proceed with the witness, Dr. Link.

Q. When were you born?

A. I was born February 16, 1882, at Metz.

Q. When did you join the Nazi party or any of its organizations?

A. I joined the Nazi party on Jume 1, 1930. In 1933 I became a member of the NSV People's Welfare Association; and after the seizure of power, I

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became a member of the DAF, the German Workers' Order. I did not belong to any other organization.

BY COLONEL GRIFFITH JONES: When did you become a member of the DAF?

WITNESS: Either 1933 or 19 34 -- after the seizure of power.

BY DR. LINK:

Q. Why did you become a member of the Nazi party?

A. Up to then I had been entirely uninterested in politics, and I never found myself in poor economic circumstances. I only observed the distress in which the German people found themselves at that time, and the inability of the parliamentary parties and governments to cope with that situation; and I was determined to join the party which promised to eliminate that situation.

Q. Therefore, it would be fair to say that you did not join the party by compulsion or the influence of other third parties?

A. No, I wasn't influenced by anybody, and it was my free decision to join the party.

Q. When did you become a co-worker of the NSV?

A. On August 5, 1938.

Q. Were you on the staff of the NSV until the breakdown of the Nazi Party?

A. For approximately 1 or 1½ years I was suspended upon my own application, but, with the exception of the one interruption, I belonged to the NSV co-workers from 1938 until then.

Q. It is correct that you were a member of the Party since 1930, and only eight years later you became a co-worker of the NSV welfare organization? How did that come about? Did you fill any other kind of function or office in the Nazi Party from 1930 to 1938?

A. No. I didn't fill any position at that time, and only the social recovery which started in 1933 made me feel a need to take a hand in the NSV organization in 1938. By joining the NSV, I didn't have any intention of gaining any financial advantage. Actually, when I did so in 1938, I was holding a leading position in industry, and by taking that position with the

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NSV, I had an immediate loss of income amounting to 3,000 marks annually -- not including other losses which were connected. I amstressing this point because I want to make it quite clear that it was sheer idealism which prompted me to join the NSV.

Q. Where and in what capacity were you active for the NSV?

A. I hel the following offices: From August 3, 1938 until May 22, 1940 I was active in the NSV in Kreis Daun-Wittlich, which is the Mosel District. From May 5, 1940 until September 30, 1941, I was in Neuwied, which is the Rhineland; and from January 1, 1943 until August 30, 1944 in Grevemacher in Luxembourg. From the first to the 27th of September, 1944, I had a special mission to evacuate the population from the West Wall districts; and then from October 1st until April 1945, I had a special mission of the plenipotentiary of the Gau Mosselland for the care of fugitives from Mosel. In all three districts I was a kreisamtsleiter of the NSV.

Q. I conclude from your reply that you were a Kreisamtsleiter of the NSV in three different Kreises. Will you be in a position to state that what you are going to tell us in regard to those three Kreises would be equally true of conditions in other Kreises?

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A Yes, as far as my remarks are essential to the work of the NSV, I believe I would be in a position to speak with some authority even in regard to other Kreises because I often discussed this matter with friends from other Kreises.

Q Can you tell us when and how the NSV was founded?

A The NSV wasorganized in 1933 as a registered association, a legal form which it maintained until the very end.

Q What is the meaning of that legal form, "registered association"?

A That would mean that those people who worked in the framework of the NSV were exclusively employees of the NSV and not employees of the Nazi Party. The employment was performed on the basis of a private service contract which clearly stated that the basis of employment was the German Civil Code, the BGB. The employment was carried on essentially on a provisional basis. That means that most of my assistants were, in one way or another, trained social workers or people in public welfare, and they were responsible to me as Kreisleiter of the NSV.

Q You were the director of that office?

A Yes. I was the head of the Kreiswaltung Office. It is the office of the NSV on the kreis level.

Q Those Kreiswaltung Offices were the offices of the NSV?

A Yes.

Q Then how did it come that you, as an NSV official, were attached to the staff of the Kreisleiter, and not the Party?

A The reason is that the Kreisleiter, as the Gauleiter, was identified with the Kreisamtsleiter and on the staff of the Kreisleiter.

Q Would it, therefore, be correct to talk about two different offices of the NSV?

A No. That would be entirely incorrect. There was actually only one office. That was the office of Kreisleiter or Gauleiter of the NSV. And the man who held that office was co-ordinated to the Kreisleiter as a professional expert. And as such an expert, I belonged to the Kreisamtsleiter as the extended staff of the Kreisleiter.

Q And how was the structure of the organization of the Kreisamtsleiter

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of the NSV? Did it have its own staff?

A That Kreisamtsleiter of the NSV, with the staff of the Kreisleiter, did not have an office or staff or organization of its own. Its only sign of existence was that one man who was holding that office.

Q You mentioned in a previous answer that you belonged to the Erweiterter -- the enlarged staff of the Kreisleiter. What do you mean by that staff?

A To that enlarged staff, Erweiterter, belonged those experts who did not have any task and function of political leadership, as, for instance, the political leaders, the training leaders, the staff leaders would have. The enlarged staff consisted only of those who were on the staff of the Kreisleiter as professional advisers.

(A recess was taken)

MR. TAYLOR: Proceed, Dr. Link.

BY DR. LINK:

Q As expert advisor to the Kreisamtsleiter, you were also subordinated to the authority of the Kreisamtsleiter?

A Yes, but only on disciplinary matters. All the matters pertaining to the professional carrying-out of my duties, I received exclusively from the NSV authorities, the Gauleitung Offices.

Q Therefore it would be fair to say that all instructions pertaining to your work, both as Kreisleiter of the NSV and as Kreisamtsleiter of the extended staff, emanated from the NSV?

A Yes.

Q Were you required to attend the regularly scheduled conferences of the Kreisleiter?

A One must distinguish between the regular staff conferences the Kreisleiter held with his inner staff, and the regularly scheduled conferences held with his enlarged staff -- which he held every month. I attended only the latter.

Q You distinguish between conferences of the inner circle and general meetings. Were the general meetings attended also by SA leaders, mayors, and other functionaries?

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A Yes.

Q And what was the subject of discussion at those general meetings?

A General questions of interest to the Kreis.

Q Were those conversations secret?

A No, never. The representatives of the press even attended those conferences, and reports of the essential discussions and happenings at those conferences occurred in the press the next day.

Q Did you receive the publication, the "Hoheitstraeger"?

A No.

Q Did you have the duty to report more or less frequently to the Kreisleiter as to the fulfillment of your duties?

A In the beginning we were expected to give a monthly report. Later there were reports submitted less regularly, and, at the end, there were none at all anymore and it happened that I didn't see the Kreisleiter for four

or six weeks. Only near the end, when the NSV was used in emergency service for the population suffering from the effects of the war, then we were called to more frequent conversations with the Kreisleiter.

Q On the basis of what you have told us of your work and function as Kreisamtsleiter on the staff of the Kreisleiter, I am a little puzzled as to why you should have been called a Political leader.

A In the strict sense of the word, I never had the feeling really to be a political leader. I felt that we had the title because we were attached to the staff of the Kreisleiter, but we didn't feel that we fulfilled a political function.

Q On the one hand you say that you were subordinated in matters of discipline to the Kreisleiter, and in othermatters you received your instructions from the NSV. Wasn't that a source of conflict between the Kreisleiter and the NSV?

A Yes. That happened quite frequently, particularly when the Kreiswalter of the NSV was not in a position to fulfill orders and requests fromthe Kreisleiter because the Kreisleiter's orders contradicted the professional orders which I had received from the NSV. Such an instance in the year 1941 caused me to request my suspension for 1½ years, and only in 1943 I was called back to work.

CORRECTION: Such conferences apparently occurred when the Kreisleiter of the NSV was not willing to follow the orders of the Kreisleiter of the Party. The Kreisleiter of the NSV, in his position of Kreisamtsleiter, was not in a positin to follow the orders of the Kreisamtsleiter.

Q If the Kreisleiter, who filled also the function of the Kreisamtsleiter on the staff of the Kreisamtsleiter, when he had to take his orders from the NSV, he could not leave out of consideration the political judgment which would be passed upon him?

A He was obligad not to take into consideration the so-called political judgement because it was strictly forbidden for professional experts to mixin such matters.

Q I do not wish to enter into the function of the NSV because it is well-known what the NSV did, and, secondly, because the NSV is not entered upon the indictment. But if you are saying that the Kreisamtsleiter,

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which means a man on the staff of the Kreisleiter, which fills only political functions, then I am prepared to ask a few questions concerning that. Didn't there exist certain instructions on the basis of which your giving away was regulated by political, racial, or religious considerations?

A There was issued a strict instruction that all measures of care and reliefshould be given without any consideration as to political or religious differences. All measures and institutions of the NSV were supposed to be available to all Germans, regardless of their formal beliefs, except those elements which were considered anti-social.

Q And what part did racial considerations play?

A Initially, the offspring of mixed marriages and, particularly, Jewish war veterans and their families were cared for by the "winterhilf" workers; but later the NSV created for the Jews a special institution..

Q Was there anything contained in your regulations in regard to the exclusion of foreigners from your relief program?

A Yes, there was a regulations in our instructions, and that said that all foreigners should be cared for by the NSV; and that covered even members of nations with which we were at war later on. Even in the large scale relief programs practiced after air attacks, the foreigners were equally included. Equally, the PW's and the foreign laborers who were used in salvaging after air attacks, received exactly the same assistance as any Germans employed in the same work.

Q What about the families of those who were arrested for political or other reasons?

A Whenever such an arrest was performed, the authority in charge, mostly the Kreisleiter, sent a short notice to the Kreiswaltung of the NSV informing him that such a person had been arrested, so that immediately his family would be included in the comprehensive program of relief.

Q You just stated that the Kreisamtsleiter was informed of every case of arrest. That would mean that you should have a particularly good knowledge of the number of arrests, particularly in regard to concentration camps.

A No. There was a very brief notice which simply said, "Mr. So-and-so is arrested", and so to take care of his family. There was no reason

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given for his arrest, whether for criminal or political reasons. I personally was informed only of three concentration camps, and I didn't know anything about how things were there.

Q Wasn't there a conflict between the office of the NSV and institutions of the churches? Were any welfare institutions of the churches dissolved or frustrated when the NSV was created?

A No. That never happened, and I can remember out of my own experience that welfare offices of the church, for instance, received large quantities of potatoes through the NSV.

Q Were there any difficulties between the NSV and the ministers of the church, for instance, in regard to how the NSV was carrying out its program?

A . No. There did exist an instruction that prohibited NSV officials from any independent measures against churches or church officials. Wherever I had possibilities to get in contact with ministers of the church, we established free relations and coordinated our work. And a considerable number of ministers of both faiths did belong as members to the NSV, and a smaller number were even workers in the NSV. I remember an instance in which there was under consideration the transfer of a kindergarten from a church to the NSV. When the proposal of the transfer of that denominational kindergarten was rejected, it had the effect that the Kreisleiter of the Party actually opposed the transfer, since he was a member of the board of the church.

Q It is known that the NSV furnished people with gas masks. Was that a part of the social welfare program of the NSV?

A Definitely. Because that was considered a protective measure. But, besides that, it was most practical that the NSV should carry out that program because the obtaining of the people's gas masks was not in accordance with any legal obligation, but a voluntary matter. And you obtained them in accordance with your personal means. Sometimes no charge was made, depending upon the circumstances. In that respect, nobody knew circumstances as well as the NSV, who knew the conditions in which the people found themselves.

Q It has been claimed that means of the NSV have been used for armament and the carrying on of the war. What do you know about that?

A In regard to that, I have to decalre that the auditing system and the control system in the NSV was so strict that, at least on the kreis and gau level, I consider it entriely impossible that means of the NSV could be used for any such militaristic purpose. In regard to the kreises with which I was connected, with the exception of one, they were called "deficit" kreises. They had to raise allowances in order to balance the

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budget. There is a regulation compelling the NSV not to transfer any funds to any other organization.

Q You mean that there didn't exist a regulation to send funds to any other organization for social welfare measures?

A the only office to which I sent funds at all was the higher NSV office.

Q You just mentioned that the auditing and control system of the NSV was particularly strict. Could you give us an example in that respect?

A It is not so easy to give an example immediately, but I do recall that, both in regard to income and expenditure, a numbered receipt had to be issued. For instance, if a friend wished to donate 50 marks to the Winterhilfswerk Organization, I would have to ask him to bring it to the office next day so that I could issue a receipt.

DR. LINK: Mr. Commissioner, I have reached the end of my questions; but, considering the difficult subject on which we have dwelt, I propose to ask one summary question.

Q If I understood you correctly, you were saying: First, that the NSV was a welfare institution originated and initiated by the NSV; second, an association which carried on its social welfare without giving consideration to political, religious or any other differences, and which provided that care equally to all of those who lived in Germany. Is that correct? The organizations of the NSV on all levels worked as independent professional groups and provided care independently. Is that right?

A Yes.

Q The connection which existed between the NSV and the Nazi Party was that the office holders of the NSV were the expert advisors on the same level to the NSDAP Hoheitstraeger?

A Yes.

Q But isn't it also true that those so- called offices of the Kreisleiter did not have any functions of political leadership but that they were rather subordinated exclusively to the special instructions given to them by the NSV headquarters,

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and that they, therefore, in some instances, were in conflict with the P arty Hoheitstraeger? Is that correct?

A Yes.

Q And that, finally, the NSV representatives on the staffs of the Hoheitstraeger, when they were called political leaders, it would be unfair to those people who filled merely professional duties to put them on a level with those Hoheitstraeger who filled political functions? Is that true?

A Yes, that always was my opinion.

MR. TAYLOR: Gentleman, I assume that you want to adjourn at five o'clock. It is now three minutes to five.

(The court adjourned until June 17th at 10 a.m.)

The foregoing is a true and correct transcript of the testimony of ANTON SCHUELLER taken on 14 June, 1946.

Dorothie J. Noll
Reporter

CERTIFIED TO:

Geo. R. Taylor
Commissioner